

# United States Senate

WASHINGTON, DC 20510

COMMITTEES:  
AGRICULTURE  
APPROPRIATIONS  
ENERGY AND NATURAL RESOURCES  
INDIAN AFFAIRS

October 29, 2014

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Room 300 WJCS  
MC 1001A  
Washington, DC 20460

Dear Administrator McCarthy:

I am writing in regard to comments your agency recently submitted to the Bureau of Reclamation (BOR) on its Supplemental Environmental Impact statement calling for changes in the Bureau's preferred alternative for the Northwest Area Pipeline Project. In order to avoid more delay for this important project, the Environmental Protection Agency (EPA) needs to meet directly with state officials and representatives from the BOR to find a solution that moves this project forward. Therefore, I would like to host a meeting in Washington, D.C. with you, your staff and the relevant stakeholders to help bring this important water infrastructure project for North Dakota to successful completion.

The State of North Dakota started construction on the Northwest Area Water Supply (NAWS) project in April 2002. Although many miles of pipeline and several facilities have already been built, the completion of the project is still hampered by continued litigation and the bureaucratic process. The EPA is a cooperating agency in this process but unfortunately it submitted its comments late and outside the typical process, which may cause NAWS to be further delayed.

NAWS will serve nearly 100,000 people in seven North Dakota counties. Many of the communities that will be served by NAWS have water that does not currently meet secondary drinking water standards and contains iron, manganese, sodium, sulfate and other contaminants. Local officials, residents and businesses have gone to great lengths to support this project, including enactment of a one-cent sales tax and an agreement to supply water to some of the communities through the treatment plant in Minot, North Dakota.

The BOR issued its Final Environmental Impact Statement (EIS) in 2008, which was challenged in court and remanded back to the agency. The BOR spent several years updating the EIS and issued the Draft EIS in June 2014. The BOR identified using a combination of groundwater and Missouri River water combined with chlorination/UV

The Honorable Gina McCarthy

Page 2

October 29, 2014

inactivation as its preferred alternative. During this process, the EPA had the opportunity to participate in the EIS through its role as a cooperating agency before the release of the Draft EIS. The EPA, however, chose to withhold its comments during the cooperating agency process and instead waited until the very last day of the public comment period to submit its comments to the BOR.

The EPA must be more forthcoming in this process and more timely with its comments. The agency's last minute attention to this project is a disservice to our state, our local communities waiting for years to be served by NAWS, as well as other responsible federal agencies that have worked hard to issue the new Draft EIS. I will have my office contact your government liaison to arrange a location and timely date for a meeting to discuss this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "John Hoeven". The signature is stylized with a large, looping initial "J" and a cursive "Hoeven".

John Hoeven  
U.S. Senator

cc: Mike Connor, Deputy Secretary of the Interior  
Shaun McGrath, Administrator for EPA's Region 8 Office  
Michael Ryan, Great Plains Regional Director, Bureau of Reclamation